

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services –Backward Classes Welfare Department –allegations of misappropriation of Government funds by Sri K. Yesudas, former Hostel Welfare Officer, BC Boys Hostel, Yellamanchili, Vishakapatnam District- Expired on 21.03.2013 – Further action dropped – Orders – Issued.

BACKWARD CLASSES WELFARE (VIG) DEPARTMENT

G.O.Rt.No.254

Dated:12 .12.2014

Read the following:-

1. From the DG, ACB, Hyderabad Lr,RC.No132/RC.OWVP/93,
Dated: 26.6.1995
2. G.O.Ms.No.43, BCW (P2), Dept., Dt.27.09.1995
3. From the Commissioner, BC Welfare, AP, Hyderabad
Lr.Rc.No.A1/6749/94, Dated: 29.4.1997
4. G.O Rt.No.65, BC Welfare (B2) Department, Dated: 17.5.1999
5. Judgment date 27.10.2005 of Special Judge for ACB Cases
Vishakhapatnam in C.C No. 9/1996.
6. G.O Ms No.5 BC Welfare (VIG.CELL) Department, dated:
24.7.2006
7. Govt. Memo.No.1s-4517/Vig.Cell/97-18, Dated: 24.7.2006
8. From the APAT, Hyderabad O.A 2030/07 of 2007 filed by Sri K.
Yesudas, HWO, BC Boys Hostel, Yellamanchili, Vishakapatnam
District Dated: 12.4.2007
9. From the Hon'ble High Court Crl. Appeal No.1713 of 2005, Dated:
15.11.2005
10. Govt. Memo.No.1s-4517/Vig.Cell/1997-25, dated: 28.05.2008
11. From the APAT, Hyderabad O.A 2030/07 of 2007 with M.A No.3667
of 2007, Dated: 4.3.2008
12. From the District BC Welfare Officer Rc.No.A1/150/2007/BCW,
Dated: 2.9.2011
13. From the DG, ACB, AP, Hyderabad No.132/RCO-WVP/1993-S11,
Dated: 31.12.2013

ORDER:

In the reference 1st read above, on credible information that Sri K.Yesudas, HWO BC Boys Hostel has fraudulently tampered the bills by fabricating with higher amounts, drawn the amounts from the STO, Yelamanchali with the connivance of Treasury Officials and misappropriated the Govt., funds. On this, the ACB had registered a case and investigated the case. The DG. ACB, in the final report has stated that the AO has misappropriated the Govt., amount of Rs.57,900/- and advised to prosecute the AO in Court of Law and to initiate the departmental action to recover the misappropriated amount of Rs.57,900/- from the AO. Accordingly, orders were issued for prosecution vide reference 2nd read above. In turn, the ACB Officials filed charge sheet in the Court of Special Judge for ACB cases, Visakhapatnam against AO along with others.

2. In the reference 3rd read above, the Commissioner, BCW, A.P., Hyd., has informed Sri K.Yesudas was suspended on 06.09.1993, and the individual has remitted the misappropriated amount of Rs.57,900/- which was fraudulently drawn from Treasury as detailed below:-

1. Rs.10,000/- vide Challan No.365, Dt.17.02.1997 at STO, Yelamanchili
2. Rs.32,000/- vide Challan No.355, Dt.16.05.1997 at STO, Yelamanchili
3. Rs.15,900/- vide Challan No.356, Dt.16.05.1997 at STO, Yelamanchili

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3. In the reference 4th read above, Government after careful examination of the matter, Govt., have issued orders for reinstatement of the individual. Accordingly, the District Collector, Visakhapatnam has reinstated Sri K.Yesudas, into services vide Procs.Dt.09.06.1999.

4. In the reference 5th read above, the III Addl. District and Sessions cum Special Judge for SPE & ACB Cases, Visakhapatnam in its judgment had convicted and sentenced the AO, Sri K.Yesudas and also acquitted the other three AOs. Accordingly, Government after following the procedure established by Law, have imposed a penalty of withholding of pension and gratuity in full permanently against Sri K.Yesudas, HWO, due to his retirement on 31.07.2005 vide reference 6th read above. Further the Dist. Collector, Visakhapatnam was requested to expedite the departmental action against Sri K.Yesudas immediately, vide reference 7th read above.

5. In the reference 8th read above, aggrieved by the above punishment orders, Sri K.Yesudas, HWO has filed OA No.2030/07 in the APAT, Hyd. Further, he had also filed Crl.Appeal.No.1713/ 2005 in Hon'ble High Court, questioning the conviction by the trial court in C.C.No.9/1996. The APAT, Hyd. in its orders has set aside the orders of the Government and directed to pay provisional pension pending disposal of Criminal Appeal No.1713 of 2005 before the Hon'ble High Court. Further, the Hon'ble High court had suspended the execution of sentence in the reference 9th read above.

6. In the reference 10th read above, the Director, BC Welfare was requested to take necessary action on the orders of the Hon'ble APAT, Hyd in OA NO.2030/07, Dated:4.3.2008, as the Pension sanctioning Authority is competent to sanction provisional pension in case of Non-gazetted officers, vide Govt. Memo, Dated:28.05.2008. Further, the DG, ACB was also requested to take necessary action for defending the interest of Government and early disposal of Criminal appeal.

7. In the reference 12th read above, the District B.C Welfare Officer, Visakhapatnam has informed that, the District Collector, Visakhapatnam sent the provisional pension proposals of Sri K.Yesudas, HWO (Retd.) to the AG (A&E) AP, Hyd., vide his Lr.Dated:26.7.2008. The AG (A&E) AP, Hyd., sanctioned the following provisional Pensionary benefits to Sri K.Yesudas, HWO and the individual has also drawn the pension benefits w.e.f. 01-07-2005 respectively.

1. Service Pension Amount for Rs.5,433/- P.M., payable from 01.07.2005.
2. Enhanced amount for Rs.5,433/- payable up to 30.06.2012.
3. Normal Amount for Rs.3,527/-
4. Retirement Gratuity for Rs.1,79,264/-

8. Further, the DBCWO, Visakhapatnam District, while enclosing the copy of the death certificate of Sri K. Yesudas, HWO (Retd.) to the Commissioner, BCW, A.P., Hyd., has informed that the individual has expired on 21.03.2013.

9. In the reference 13th read above, the DG, ACB, has informed that the High Court in its orders Dt.04.01.2013 has set aside, the Special Judge for ACB Cases, Visakhapatnam judgment.Dt.27.10.2005 in CC.No.9/1996, filed by Sri K. Yesudas, in the Criminal Appeal No.1713/2005 in the A.P., High Court. He further, informed that orders of the High Court has been examined and it is felt that there are no grounds to prefer an appeal in the Supreme Court of India against the orders of the High Court, A.P., Hyderabad and also requested to communicate the Govt., orders in the matter to the Bureau.

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10. Government after careful examination of the matter in detail, here by decided to set aside G.O Ms.No.5, BC Welfare (Vig.Cell) Department, Dated, 26.7.2006 and to drop further action against Sri K.Yesudas, Hostel Welfare Officer, BC Boys Hostel, Yellamanchili, Visakhapatnam District who was expired on 21.03.2013.

11. The Commissioner, BC Welfare, AP, Hyderabad, shall take further necessary action in the matter accordingly and also to release all pensionary benefits to the legal heirs of the deceased employee i.e Sri K.Yesudas, former H.W.O Government BC Hostel Yellamanchili, Vishakapatnm District and intimate the action taken report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.DANA KIHORE
SECRETARY TO GOVERNMENT**

To

The Commissioner, BC Welfare, A.P., Hyderabad
K. Ammaji, W/o Late K.Yesudas **through** the Commissioner,
BC Welfare, A.P., Hyderabad

Copy to:

The District Collector, Vishakhapatnam District.

The, Deputy Director, Vishakhapatnam District

The Accountant General, AP., Hyderabad.

The Director of Treasuries & Accounts, AP., Hyderabad.

PS to Secretary

OSD to Minister (BCW).

SF/SC

//Forwarded::By Order//

SECTION OFFICER